United Nations S/2010/37

Security Council

Distr.: General
21 January 2010

Original: English

Letter dated 19 January 2010 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a letter addressed to you from Mr. Hoshyar Zebari, Minister for Foreign Affairs of the Republic of Iraq, regarding Iraq's fulfilment with regard to the disarmament issue (see annex).

I have the further honour to request that the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) T. Hamid **Al-Bayati**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

10-21581 (E) 220110 270110

Please recycle

Annex to the letter dated 19 January 2010 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

[Original: Arabic]

I should like to refer to the report of the Secretary-General pursuant to paragraph 5 of resolution 1859 (2008) (S/2009/385), which concerns the review of resolutions pertaining to Iraq and the actions necessary for Iraq to achieve international standing equal to that which it held prior to the adoption of resolution 661 (1990). As you are aware, outstanding issues related to disarmament obligations are among the constraints that continue to prevent Iraq from regaining its status as a responsible and active member of the international community and, at the same time, deprive it of the benefits of technological progress and scientific research. Now that Iraq has fulfilled its obligations under the relevant Security Council resolutions, the international community should lift those restrictions. I should like to reiterate that the Republic of Iraq supports the international non-proliferation regime and complies with disarmament treaties and other relevant international instruments. It will continue to report on additional disarmament measures taken by the Iraqi Government. In that regard, I should like to draw your attention to the report of the Republic of Iraq on the fulfilment of its obligations under paragraph 3 of Security Council resolution 1762 (2007) (S/2008/350) and the report of Iraq submitted to the Security Council Committee established pursuant to resolution 1540 (2004) (S/AC.44/2004/(02)/116), both of which detail the positive steps taken by Iraq with regard to disarmament and non-proliferation.

In addition to the steps covered in those two reports, the Government of Iraq has taken a number of other measures in observance of international disarmament and non-proliferation standards and in keeping with the Constitution of Iraq, article 9, paragraph (e), which states that the Iraqi Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production and non-use of nuclear, chemical and biological weapons, and shall prohibit associated equipment, materiel, technologies and delivery systems for use in the development, manufacture, production and use of such weapons.

I also have the honour to inform the Council that, since the adoption of Security Council resolution 1762 (2007), Iraq has made progress on several significant issues. The country acceded to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and, after depositing the instrument of accession, became the 186th State party on 12 February 2009. Iraq has signed the Additional Protocol to the International Atomic Energy Agency (IAEA) Comprehensive Safeguards Agreement. The Additional Protocol is currently before Parliament for ratification, as is the Comprehensive Nuclear-Test-Ban Treaty. As required by Security Council resolution 1762 (2007), the National Monitoring Directorate works with Government ministries in respect of dual-use controls and the harmonization of Iraqi export legislation with international standards. The Directorate is the national focal point for the implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. On an annual basis, the Directorate engages in confidence-building measures and submits information to the Implementation Support Unit of the Geneva branch of the United Nations Office for Disarmament

Affairs. In cooperation and coordination with the Ministry of Foreign Affairs and the Ministry of Science and Technology, the Directorate is making preparations for Iraq's accession to the Convention on the Physical Protection of Nuclear Material. The Government of Iraq, which was established democratically and in accordance with the principles set forth in the Constitution, is committed to taking additional steps to comply with non-proliferation and disarmament standards. In order to achieve that aim, the Government actively ensures that the Directorate continues to establish and enforce controls on Iraqi exports that are consistent with an international standards established by the Missile Technology Control Regime, the Australia Group, the Nuclear Suppliers Group and the Wassenaar Arrangement, including with regard to transit, transport and the verification of controls. Iraq will move towards accession to the Convention on Supplementary Compensation for Nuclear Damage and the Convention on Nuclear Safety and compliance with an international ballistic missile non-proliferation regime. The country will take the necessary steps to sign the Hague Code of Conduct against Ballistic Missile Proliferation. In addition, the Government of Iraq will proceed towards endorsement of the Global Initiative to Combat Nuclear Terrorism, and application of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and supplementary Guidance on the Import and Export of Radioactive Sources. It will also act with respect to accession to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. Iraq will continue to provide IAEA with the required declarations in a manner that is consistent with future obligations under the Additional Protocol.

The measures the Iraqi Government intends to take clearly demonstrate and confirm to the international community the extent of its commitment to non-proliferation. On the basis of its legal and legislative authority, and in compliance with international norms, the Government will inform the Security Council, IAEA and other relevant agencies of the progress made towards implementing those measures. We trust that the Security Council and IAEA will acknowledge the measures and the fact that the situation in Iraq has fundamentally changed since the Security Council resolutions on Iraq pertaining to disarmament were adopted. We hope that the Security Council will give immediate consideration to the removal of all the restrictions that were imposed pursuant to its resolutions on Iraq pertaining to disarmament, weapons of mass destruction and ballistic missiles, including resolutions 687 (1991) and 707 (1991).

The Government and people of Iraq are determined to build democracy, live peacefully in a stable and secure homeland and play a constructive role that contributes to regional stability and security. We hope that the international community will help us to play that role and to overcome the legacy of the irresponsible policies of the previous regime.

I should be grateful if you would circulate the present letter to the members of the Security Council as soon as possible in order to assist them in their deliberations pursuant to resolution 1859 (2008).

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs of Iraq

United Nations S/2010/38

Security Council

Distr.: General
22 January 2010

Original: English

Letter dated 18 January 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my letter dated 2 October 2008 (S/2008/630), by which I informed the President of the Security Council that I would no longer provide reports to the Security Council on a regular basis following the termination of the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE) as of 31 July 2008, in accordance with Security Council resolution 1827 (2008).

I would like to inform you that, further to the final report of the Eritrea-Ethiopia Boundary Commission, which I have transmitted to the Security Council, I have also received from the President of the Eritrea-Ethiopia Claims Commission his final report on the work of the Claims Commission, dated 20 November 2009 (see annex).

I would be most grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

10-21650 (E) 270110

Please recycle

Annex

Letter dated 20 November 2009 from the President of Eritrea-Ethiopia Claims Commission to the Secretary-General

I am writing to you on behalf of the Eritrea-Ethiopia Claims Commission, which was established by the Algiers Agreement between Eritrea and Ethiopia of 12 December 2000.

By that Agreement the Claims Commission was established

> "to decide through binding arbitration all claims for loss, damage or injury by one Government against the other, and by nationals (including both natural and juridical persons) of one party against the Government of the other party or entities owned or controlled by the other party that are (a) related to the conflict that was the subject of the Framework Agreement, the Modalities for its Implementation and the Cessation of Hostilities Agreement, and (b) result from violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law."

The Claims Commission rendered 15 partial and final awards on the liability aspects of the parties' claims between 2003 and 2005. With the issuance of its final awards on damages on the claims of both parties on 17 August 2009, the Claims Commission has now completed its mandate.

With reference to my report as President of the Claims Commission (report to the Secretary-General on the work of the Commission: February-May 2001), dated 7 June 2001, which was attached as annex II to the progress report of the Secretary-General on Ethiopia and Eritrea of 19 June 2001 (S/2001/608), I hereby enclose my final report on the work of the Claims Commission for inclusion in your next progress report to the Security Council on Eritrea and Ethiopia.

(*Signed*) Hans **van Houtte**
President
Eritrea-Ethiopia Claims Commission

Enclosure

Eritrea-Ethiopia Claims Commission

Final report to the Secretary-General on the work of the Commission

1. The Eritrea-Ethiopia Claims Commission (the "Commission") was established pursuant to article 5 of the Agreement signed in Algiers on 12 December 2000 between the Governments of the State of Eritrea and the Federal Democratic Republic of Ethiopia (the "December 2000 Agreement"). The mandate of the Commission is to:

> "decide through binding arbitration all claims for loss, damage or injury by one Government against the other, and by nationals (including both natural and juridical persons) of one party against the Government of the other party or entities owned or controlled by the other party that are (a) related to the conflict that was the subject of the Framework Agreement, the Modalities for its Implementation and the Cessation of Hostilities Agreement, and (b) result from violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law."

2. The members of the Commission are Professor Hans van Houtte (President), Judge George Aldrich (appointed by Ethiopia), Mr. John Crook (appointed by Eritrea), Dean James Paul (appointed by Ethiopia) and Ms. Lucy Reed (appointed by Eritrea).

3. Pursuant to the December 2000 Agreement, the Commission is an independent body. Its seat is in The Hague, although it has met informally with the parties elsewhere. The Permanent Court of Arbitration serves as registry to the Commission.

4. In December 2001, both parties filed their claims in compliance with the 12 December 2001 filing deadline established by article 5(8) of the December 2000 Agreement. Neither party made use of the possibility, created by chapter three of the Commission's rules of procedure, of filing claims utilizing possible mass claims procedures. State-to-State claims were filed on behalf of the Government of Ethiopia. The Government of Eritrea filed claims on its behalf, as well as on behalf of named individuals. The claims filed by the parties related to such matters as the conduct of military operations in the front zones, the treatment of prisoners of war and of civilians and their property, diplomatic immunities and the economic impact of certain government actions during the conflict.

5. After the claims were filed, the Commission analysed the initial filings and requested and received the parties' views regarding the priorities and sequence for its work. The Commission decided to bifurcate its work by dealing first with issues of liability and only subsequently with the determination of damages.

6. The Commission decided to begin with the two parties' claims alleging mistreatment of their respective prisoners of war, followed by their claims of misconduct related to the armed conflict in the central front, followed by their allegations of mistreatment of civilians on the home fronts, followed by the parties' remaining liability claims.

7. The Commission's hearings on the parties' prisoner-of-war claims took place at the Peace Palace in December 2002. The Commission rendered its partial awards on the parties' prisoner-of-war claims (Eritrea's claim 17 and Ethiopia's claim 4) on 1 July 2003.

8. The December 2000 Agreement calls for the Commission to endeavour to complete its work within three years of the closing date for filing claims. In light of requests received from both parties, the Commission, in February 2003, adjusted its schedule of future filings and hearings to take account of other proceedings involving the parties and of the breadth and complexity of the work remaining to be done.

9. The Commission held hearings on the parties' central front claims at the Peace Palace in November 2003. The Commission rendered its partial awards on the parties' central front claims (Eritrea's claims 2, 4, 6, 7, 8 and 22 and Ethiopia's claim 2) on 28 April 2004.

10. The Commission's hearings on the parties' civilians claims were held at the Peace Palace in March 2004. The Commission's partial awards on the parties' civilians claims (Eritrea's claims 15, 16, 23 and 27 to 32 and Ethiopia's claim 5) were released on 17 December 2004.

11. The Commission held hearings on the parties' remaining liability claims at the Peace Palace in April 2005. The Commission rendered the following awards on 19 December 2005:

Western front, aerial bombardment and related claims (Eritrea's claims 1, 3, 5, 9 to 13, 14, 21, 25 and 26)
Western and eastern fronts (Ethiopia's claims 1 and 3)
Diplomatic claim (Eritrea's claim 20)
Diplomatic claim (Ethiopia's claim 8)
Pensions (Eritrea's claims 15, 19 and 23)
Loss of property in Ethiopia owned by non-residents (Eritrea's claim 24)
Ports (Ethiopia's claim 6)
Economic loss throughout Ethiopia (Ethiopia's claim 7)
Jus ad bellum (Ethiopia's claims 1 to 8)

The Commission also released its decision No. 6 regarding the withdrawal of Eritrea's claim 18.

12. Beginning in the summer of 2005, the Commission and the parties consulted regarding the possibility of further proceedings following completion of the merits of the parties' claims. The parties decided to proceed despite concerns aired by the Commission that a damages phase involving the precise assessment of the extent of injuries allegedly suffered by large numbers of persons, entities and government bodies would require years of additional difficult, burdensome and expensive proceedings.

13. The Commission considered a proposal by Ethiopia that, in lieu of further legal proceedings on damages, the Commission should be converted into a mechanism working to increase the flow of relief and development funds from international donors to alleviate the consequences of the war in both countries. In the absence of agreement by the parties, and in the face of obvious difficulties in implementation, this proposal to change the mandate of the Commission was not

pursued, and it was not possible to conclude the proceedings without a damages phase.

14. The Commission considered the options for proceedings to assess damages, and took into account its responsibilities under article 5(12) of the December 2000 Agreement to endeavour to complete its work within three years of the closing date for filing claims, which time frame was extended in February 2003 in the light of both parties' requests. The Commission was also mindful of the complexity and cost of the proceedings to date and of the significant financial and other burdens they imposed on both parties (all of the costs of the proceedings, including the costs of both parties' legal teams, were borne by the parties themselves).

15. Accordingly the Commission issued an order on 13 April 2006 directing the parties to proceed with a "fast-track" damages phase, involving a limited number of filings of legal pleadings and evidence and a tight schedule of hearings. The order also indicated the Commission's recurring concern that proceeds accruing in the damages phase would be used by the parties to assist civilian victims of the conflict.

16. The Commission held the first round of hearings in the damages phase at the Peace Palace in April 2007. The Commission issued its decision No. 7 "Guidance regarding *jus ad bellum* liability" and decision No. 8 "Relief to war victims" on 27 July 2007.

17. The Commission held the second round of hearings in the damages phase at the Peace Palace in May 2008, and rendered its final awards on damages on 17 August 2009. The Commission awarded Eritrea in respect of its own claims the total monetary compensation of 161,455,000 United States dollars, and an additional $2,065,865 in respect of claims presented on behalf of individual Eritrean claimants. The Commission awarded Ethiopia in respect of its claims the total monetary compensation of $174,036,520.

18. The Commission noted in these final awards on damages that the armed conflict between the two parties caused serious injury and damage to the people and infrastructure of these two countries. While the compensation awarded to each party is substantial, the Commission recognized that it is probably much less than each party believes is its due. The Commission stated: "Its awards probably do not reflect the totality of damages that either party suffered in violation of international law. Instead, they reflect the damages that could be established with sufficient certainty through the available evidence, in the context of complex international legal proceedings carried out by the parties with modest resources and under necessary pressures of time".

19. In considering the claims of each party the Commission took note that these countries are among the poorest in the world; that large damages awards might exceed the capacity of the responsible State to pay or result in serious injury to its population if such damages were paid; and that the obligations of both parties under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, to which both Eritrea and Ethiopia are parties, which provide in common article 1(2) that "[i]n no case may a people be deprived of its own means of subsistence". However, in the circumstances, the Commission concluded that it need not decide the question of possible capping of the awards in the light of these factors.

20. With the issuance of its final awards on damages, the Commission has completed its mandate. The Commission's partial and final awards on liability and damages, as well as its decisions and other relevant information, are available on the website of the Permanent Court of Arbitration (www.pca-cpa.org).

21. The Commission records its appreciation to both parties and their legal teams for their goodwill, cooperation, professionalism and efficiency throughout these lengthy proceedings. The Commission also expresses its thanks to the staff of the Permanent Court of Arbitration, and in particular to Belinda Macmahon, the Commission's Registrar since 2004, for providing highly professional and efficient support.

22. With the completion of its mandate, the Commission reiterates its confidence that the parties will ensure that compensation they may receive in respect of their claims will be used to provide relief to their civilian populations injured in the war. The Commission has sought throughout this process to resolve many difficult issues between the parties fairly and in accordance with international law. It hopes that these efforts will contribute to the eventual establishment of a durable and mutually beneficial peace between them.

(*Signed*) Hans **van Houtte**
President, Eritrea-Ethiopia Claims Commission

20 November 2009

United Nations S/2010/39

Security Council

Distr.: General
22 January 2010

Original: English

Letter dated 22 January 2010 from the Secretary-General to the President of the Security Council

Subsequent to the Board of Inquiry report into incidents in the Gaza Strip between 27 December 2008 and 19 January 2009 and its recommendations, I have been in contact with the Government of Israel. I am pleased to report that the Government of Israel has been constructively engaged throughout this process and has agreed to continue a dialogue on ways to improve cooperation on the ground.

I would also like to express my appreciation for the manner in which all other relevant issues arising from the inquiry are being addressed, including the financial issues relating to the incidents investigated by the Board of Inquiry, which have been brought to a satisfactory resolution.

I would be grateful if you would bring the present letter to the attention of the members of the Security Council for their information.

(Signed) **BAN** Ki-moon

10-21656 (E) 220110

Please recycle

United Nations S/2010/40

Security Council

Distr.: General
25 January 2010
English
Original: Spanish

Letter dated 20 January 2010 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to refer to the summary statement on matters of which the Security Council is seized and on the stage reached in their consideration.

In accordance with the established procedure, I should like to notify you that the Government of the Republic of Cuba requests that the following four items brought to the Council's attention by the Republic of Cuba remain on the list of matters of which the Security Council is seized:

Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378);

Letter dated 31 December 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4605);

Complaint from Cuba (S/10993);

Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Pedro **Núñez Mosquera**
Ambassador
Permanent Representative

10-21822 (E) 260110 260110

Please recycle

United Nations S/2010/41

Security Council

Distr.: General
28 January 2010
English
Original: English and French

France: draft resolution

The Security Council,

Recalling its previous resolutions, in particular resolutions 1880 and 1893 (2009), and the statements of its President relating to the situation in Côte d'Ivoire, and resolution 1885 (2009) on the situation in Liberia,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007 ("the Ouagadougou Political Agreement", S/2007/144), and that it welcomed the four subsequent Supplementary Agreements,

Recalling again in particular that in its resolution 1721 (2006) it notably endorsed the decision of the African Union Peace and Security Council on the mandate of the Head of State, and *recalling further* that in the statement of its President dated 28 March 2007 (S/PRST/2007/8) it endorsed the Ouagadougou Political Agreement, including its Chapter V on the institutional executive framework, and that this Agreement provided for a period of ten months for the holding of the presidential elections,

Expressing again its appreciation to President Blaise Compaoré of Burkina Faso ("the Facilitator") for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the Ouagadougou Political Agreement follow-up mechanisms, *commending and encouraging* the continued efforts of the African Union and the Economic Community of West African States ("ECOWAS") to promote peace and stability in Côte d'Ivoire, and *reiterating* its full support for them,

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

Reiterating its strong condemnation of any attempt to destabilize the peace process by force, and *expressing its intention* to examine without delay the situation after any such attempt, on the basis of a report by the Secretary-General,

Having taken note of the letters of the Secretary-General dated 29 December 2009 (S/2009/694) and 15 January 2010 (S/2010/42) and of the proposal of the

Please recycle

Presidents of Côte d'Ivoire and Burkina Faso to deploy some troops from Burkina Faso as part of UNOCI for three months,

Having taken note further of the Secretary-General report dated 7 January 2010 (S/2010/15),

Noting again with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of reported human rights and humanitarian law violations against civilians in different parts of the country, including numerous acts of sexual violence, *stressing* that the perpetrators must be brought to justice, *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and *recalling* its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security, its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict and its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

(*"Supporting the Ouagadougou political process and a credible electoral process"*)

1. *Recalls* that in the statement of its President dated 8 December 2009 (S/PRST/2009/33) it took note of the postponement of the first round of the presidential election to the end of February or the beginning of March 2010;

2. *Welcomes* the progress made towards the establishment of the final voters list, including the publication of the provisional voters list certified by the Special Representative of the Secretary-General;

3. *Reiterates* its determination to bring its full support to a credible electoral process in Côte d'Ivoire, and *reiterates further* that the publication of a final voters list certified by the Special Representative of the Secretary-General is crucial for the holding of open, free, fair and transparent elections;

4. *Urges* the relevant Ivorian stakeholders to ensure the publication of the final voters list, to announce the official date of the first round of the presidential election and to meet their commitments in full;

5. *Reiterates further* that the Special Representative of the Secretary-General shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards and *reaffirms* its full support to the Special Representative of the Secretary-General in his certification role;

6. *Stresses* that it will base its assessment of the electoral process on the certification that will be prepared by the Special Representative consistent with the five-criteria framework referred to in document S/2008/250 and after inclusive contacts with all stakeholders in Côte d'Ivoire, including civil society;

7. *Stresses the importance* of an inclusive participation of the Ivorian civil society in the electoral process, and of ensuring the equal protection of and respect

for human rights of every Ivorian as they relate to the electoral system, and in particular respect for freedom of opinion and expression, and removing obstacles and challenges to women's participation and full involvement in public life;

8. *Urges* again the political parties to comply fully with the Code of Good Conduct for elections which they signed under the auspices of the Secretary-General, and in particular *urges* the Ivorian authorities to allow equitable access to public media;

9. *Expresses* its concerns at the delays encountered in the deployment of the mixed units of the Integrated Command Centre responsible to secure the elections and *urges* the Ivorian parties to enhance their efforts in this regard;

10. *Urges* the Government of Côte d'Ivoire to provide the operators involved in the electoral process with the necessary support, and *encourages* the international community to continue their support to the electoral process, including, with the agreement of the Ivorian authorities, by providing electoral observation capacity and related technical assistance;

11. *Recalls* that it is fully prepared to impose targeted measures pursuant to paragraph 20 of resolution 1893 (2009), including among other things against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire, and *recalls* further that, pursuant to paragraph 6 of the above mentioned resolution, any threat to the electoral process in Côte d'Ivoire, in particular any attack on or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the actions of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraph 9 and 11 of resolution 1572 (2004);

12. *Urges* the Ivorian parties to make further concrete progress, before and after the elections, to advance the reunification and disarmament processes;

13. *Reaffirms* paragraphs 14 to 17 of its resolution 1880 (2009), *calls upon* all Ivorian parties, with the continued support of UNOCI, to ensure the protection of civilian, including women and children, to fully implement the recommendations by its working group on Children and Armed Conflict in Côte d'Ivoire (S/AC.51/2008/5), including to adopt a national action plan to address sexual violence, and to ensure that rule of law is strengthened and that all reported abuses are investigated and those responsible brought to justice, and *calls* in particular upon all parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence;

(*"Renewing the mandate the United Nations Operation in Côte d'Ivoire"*)

14. *Decides* to renew the mandate of UNOCI, as determined in resolution 1739 (2007), until 31 May 2010, in particular to support the organization in Côte d'Ivoire of free, fair open and transparent elections;

15. *Requests* UNOCI, within its existing resources and mandate, to continue to bring its full support to the parties in the implementation of the remaining tasks under the Ouagadougou Political Agreement and its Supplementary Agreements, in particular those that are essential to the holding of a open, free, fair and transparent presidential election, to provide technical and logistical support to the Independent Electoral Commission for the preparation and the holding of the elections in a

secure environment, to continue to support the disarmament, demobilization and reintegration programme and the disarmament and dismantling of militias and to continue to contribute to the promotion and protection of human rights, including the protection of women and children, pursuant to paragraph 26 of its resolution 1880 (2009);

16. *Expresses* its intention in principle to raise for a limited period of time the current level of 7450 authorized military personnel as will be needed and up to no more than 7950 personnel, when the final voters list will be made public, and *requests* to this end the Secretary-General to keep it informed of his technical analysis;

17. *Stresses* in this regard that it will hold the Ivorian parties fully accountable for the respect of the electoral timeline;

18. *Requests* UNOCI to continue to assist the Facilitator and his Special Representative in Abidjan in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third Supplementary Agreement;

19. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

20. *Decides* to extend until 31 May 2010 the authorization it provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities;

21. *Expresses* its intention to review in full by 31 May 2010, with a view to possible significant modifications, the mandate of UNOCI, the authorization provided to the French forces which support it, the level of troops of UNOCI and the benchmarks referred to in annex I of the report of the Secretary-General dated 7 January 2010, in light of the elections and the implementation of the key steps of the peace process;

22. *Requests* the Secretary-General to provide to it an update by mid-March 2010 and a full report by the end of April 2010, including detailed recommendations and options for the future of UNOCI as well as revised benchmarks based on the results of a technical assessment mission;

23. *Decides* to remain actively seized of the matter.

United Nations S/2010/42

Security Council

Distr.: General
25 January 2010

Original: English

Letter dated 15 January 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my letter dated 29 December 2009 (S/2009/694), by which I transmitted a joint letter dated 19 December 2009 from President Laurent Gbagbo of Côte d'Ivoire and President Blaise Compaoré of Burkina Faso proposing the deployment, for a period of three months, of a battalion of 500 personnel from Burkina Faso to Côte d'Ivoire, as part of the United Nations Operation in Côte d'Ivoire (UNOCI), in order to reinforce security arrangements for the Ivorian presidential election.

In my letter, I indicated that I would revert to the Security Council with specific recommendations after conducting the necessary assessment of the offer. Given the urgency of the matter in light of the timelines of the election and the upcoming UNOCI mandate renewal consultations of the Council, UNOCI dispatched a team to Burkina Faso to conduct a rapid preliminary assessment of the capabilities of the proposed unit and the feasibility of its timely deployment. The Burkinabé military officials who received the team confirmed their readiness to deploy to UNOCI a properly trained battalion of 500 personnel, which includes aviation capability in the form of one military helicopter and crew. However, the assessment team was not able to inspect the unit earmarked for deployment to Côte d'Ivoire since it was yet to be constituted. The Secretariat will conduct the usual predeployment verification to ensure that the battalion is adequately equipped, once the Government of Burkina Faso confirms the dates of the planned visit.

In my report to the Security Council of 29 September 2009 (S/2009/495), I had indicated my intention to request the authorization of the Council for the temporary redeployment of one infantry company and two helicopters from the United Nations Mission in Liberia (UNMIL) to Côte d'Ivoire to reinforce UNOCI during the elections, within the framework of the inter-mission cooperation arrangements provided for in Council resolution 1609 (2005). However, UNMIL has confirmed that this option is no longer feasible, as the election date of Côte d'Ivoire has shifted and the deployment of the earmarked infantry company would now conflict with the Mission's drawdown schedule. In addition, the concerned troop-contributing country that had been approached to provide the helicopters is not in a position to approve their transfer from UNMIL to UNOCI.

In the meantime, it has also become clear that the Ivorian national army and the Forces nouvelles will not be able to deploy the full complement of the agreed 8,000 personnel as mixed brigades to provide security for the elections along with

Please recycle

UNOCI. They would be able to provide only 2,000 personnel. There is therefore an unforeseen security gap that UNOCI has to cover.

In light of the above, I recommend that the Security Council approve the proposal by President Laurent Gbagbo and President Blaise Compaoré to deploy a battalion from Burkina Faso, including one helicopter with crew, for a period of three months beginning one month before the presidential election. The Secretariat estimates that the cost of this deployment, including the helicopter and crew, would amount to some US$ 5 million. This option has the advantage that it would provide the capability that UNMIL is no longer able to provide and would make up for the shortfalls on the part of the national arrangements for securing the elections. However, it would require the consent of the Security Council to temporarily increase the authorized troop ceiling of UNOCI from 7,450 to 7,950 personnel. The mission's current troop strength stands at 7,391.

I would be most grateful if you could bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

United Nations S/2010/43

Security Council

Distr.: General
27 January 2010

Original: English

Letter dated 25 January 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations addressed to the President of the Security Council

Upon instructions from my authorities, I have the honour to refer to the statement made by the President of the Republic of Serbia, Mr. Boris Tadić, at the Security Council debate on the United Nations Interim Administration Mission in Kosovo (UNMIK) held on 22 January 2010, and to bring to your kind attention the following considerations.

I would like to stress that the Republic of Croatia regrets that President Tadić decided to use the occasion of the debate on UNMIK to deliver an unfounded response to the words of the President of the Republic of Croatia, Mr. Stjepan Mesić, about the possible consequences of the disintegration of neighbouring Bosnia and Herzegovina, uttered in an informal conversation during a New Year's reception for the media.

In addition to the fact that he was speaking informally to a group of journalists, President Mesić formulated his words in the conditional tense, i.e., he was speculating about something that might happen in the case of another event — the concrete secession of Republika Srpska from independent and internationally recognized Bosnia and Herzegovina, and its annexation to the Republic of Serbia.

Basically, the President's words ought to be understood as a radically formulated warning that the world should not close its eyes to the policy of the Prime Minister of the Republika Srpska, Milorad Dodik, and to the possible effects of such a policy, just as, for too long, it closed its eyes to the policy of Slobodan Milošević, which led to the disintegration of the former Yugoslavia in bloody wars. At the same time, President Mesić wanted to say, quite clearly, that the disintegration of neighbouring and friendly Bosnia and Herzegovina would be absolutely unacceptable to Croatia.

As regards stability and the normalization of conditions in the region, it would be worthwhile to recall that the progress achieved in that sphere over the past decade is the result, in substantial part, of the consistent efforts of the President of the Republic of Croatia. Unfortunately, such efforts have recently not been met with a response of some natural partners in this process, who now want to accuse the Republic of Croatia and its President, without any real foundation, as those who question or jeopardize security in South-East Europe.

10-22157 (E) 270110

Please recycle

In conclusion, I would like to confirm that such unwarranted and unacceptable reactions to statements by Croatian officials will not deter Croatia from pursuing good-neighbourly relations with all countries in the region.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Neven **Mikeć**
Deputy Permanent Representative
Chargé d'affaires a.i.

United Nations S/2010/44

Security Council

Distr.: General
22 January 2010

Original: English

Letter dated 22 January 2010 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Council, which will be held on Wednesday, 27 January 2010, regarding the situation in the Middle East, including the Palestinian question.

(*Signed*) Feda **Abdelhady-Nasser**
Chargé d'affaires a.i.

10-21984 (E) 260110

Please recycle

United Nations S/2010/45

Security Council

Distr.: General
26 January 2010

Original: English

Letter dated 26 January 2010 from the President of the Security Council addressed to the Secretary-General

In my capacity as President of the Security Council, I am forwarding to you a letter dated 11 January 2010 from the Chairman of the Security Council Working Group on Children and Armed Conflict established by Security Council resolution 1612 (2005), based on the Working Group's conclusions adopted on 18 December 2009 (S/AC.51/2009/6) (see annex).

(Signed) **Zhang** Yesui
President of the Security Council

10-22023 (E) 290110

Please recycle

Annex to the letter dated 26 January 2010 from the President of the Security Council addressed to the Secretary-General

Letter dated 11 January 2010 from the Chairman of the Working Group on Children and Armed Conflict addressed to the Secretary-General

On 12 October 2009, the Working Group on Children and Armed Conflict, established by Security Council resolution 1612 (2005), examined the report of the Secretary-General on children and armed conflict in Burundi (S/2009/450). Following its meeting on 18 December 2009, the Working Group adopted its conclusions on the parties to the armed conflict in Burundi (S/AC.51/2009/6).

As a follow-up to the recommendations of the Working Group, approved by the Security Council, and subject to and consistent with applicable international law and relevant Security Council resolutions, including Security Council resolutions 1612 (2005) and 1882 (2009), I am entrusted, in my capacity as the Chairman of the Working Group, to *commend* the efforts undertaken by the Special Representative for Children and Armed Conflict, the United Nations Integrated Office in Burundi and the United Nations Children's Fund, in coordination with the Government of Burundi, to contribute actively to the protection of children and their efforts to engage with the Forces Nationales de Liberation, as well as the alleged dissidents of the Forces Nationales de Liberation in order to put an end to child recruitment and to facilitate the release of affected children.

In this regard, I request your Excellency to urge the United Nations system to support and to integrate child protection in the disarmament, demobilization and reintegration process in Burundi, and I invite your Excellency to call upon the international community to continue to allocate adequate funding for capacity-building in Burundi for disarmament, demobilization and long-term reintegration programmes for children.

Finally, I also kindly request your Excellency to prepare a follow-up report on implementation of the conclusions of the Working Group to be issued in 2010.

(*Signed*) Claude **Heller**
Chairman of the Working Group on Children and Armed Conflict

United Nations S/2010/46

Security Council

Distr.: General
26 January 2010

Original: English

Letter dated 26 January 2010 from the President of the Security Council addressed to the Secretary-General

In my capacity as President of the Security Council, I am forwarding to you a letter dated 11 January 2010, from the Chairman of the Security Council Working Group on Children and Armed Conflict established by Security Council resolution 1612 (2005), based on the Working Group's conclusions adopted on 18 December 2009 (S/AC.51/2009/5) (see annex).

(*Signed*) **Zhang** Yesui
President of the Security Council

10-22042 (E) 290110

Please recycle

Annex to the letter dated 26 January 2010 from the President of the Security Council addressed to the Secretary-General

Letter dated 11 January 2010 from the Chairman of the Working Group on Children and Armed Conflict addressed to the Secretary-General

On 24 February 2009, the Working Group on Children and Armed Conflict established by Security Council resolution 1612 (2005), examined the report of the Secretary-General on children and armed conflict in the Sudan (S/2009/84). Following its meeting held on 18 December 2009, the Working Group adopted its conclusions on the parties to the armed conflict in the Sudan (S/AC.51/2009/5).

As a follow-up to the recommendations of the Working Group, approved by the Security Council, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005) and 1882 (2009), I am entrusted, in my capacity as the Chairman of the Working Group, to:

(a) Welcome your Excellency's recommendation to the African Union-United Nations Hybrid Operation in Darfur, the United Nations Mission in the Sudan and the United Nations Children's Fund (United Nations Task Force on Monitoring and Reporting) to facilitate the preparation and implementation of action plans, including by entering into dialogue whenever possible with all parties to the conflict, in accordance with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009), and follow up and report on this aspect as well as on specific commitments to address other grave violations and abuses as reported by your Excellency;

(b) Invite your Excellency to continue strengthening the Task Force on Monitoring and Reporting and to liaise, as appropriate, with relevant national institutions, non-governmental organizations and civil society networks to ensure effective collaboration of child protection activities;

(c) Invite your Excellency to facilitate, given the regional dimension of the crisis involving the Central African Republic, Chad and the Sudan, and the other grave implications for children, better information exchange and closer cooperation between respective United Nations country teams and peacekeeping missions on child protection issues;

(d) Also invite your Excellency to promote dialogue among relevant stakeholders' organizations aiming at enhancing child protection and prevention of child recruitment in the region including cross-border issues;

(e) Request your Excellency to ask your Special Representative for Children and Armed Conflict, based on her follow-up visit to the Sudan, to assess the situation for children, to facilitate dialogue with the parties to the conflict, to continue with the usual practice of holding consultations with the concerned Government during the process of preparing reports and to assess progress in the implementation of the pertinent recommendations of the Security Council Working Group on Children and Armed Conflict and the implementation of its recommendations.

(*Signed*) Claude **Heller**
Chairman of the Working Group on Children and Armed Conflict

United Nations S/2010/47

Security Council

Distr.: General
27 January 2010

Original: English

Letter dated 26 January 2010 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Assistance Mission in Afghanistan (UNAMA), established by Security Council resolution 1401 (2002) of 28 March 2002. Following the usual consultations, it is my intention to appoint Mr. Staffan de Mistura (Sweden) as my Special Representative for Afghanistan and Head of UNAMA as of 1 March 2010.

Mr. De Mistura will replace Mr. Kai Eide, who will complete his service as my Special Representative for Afghanistan and Head of Mission on 28 February 2010. I will inform the Security Council in my forthcoming report of how I envisage the responsibilities to be carried out by my Special Representative under the mandate of UNAMA.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

I would like to express my appreciation to Mr. Kai Eide for his dedicated service and excellent leadership of UNAMA over the past two years, which was a critical period for Afghanistan with difficult elections and a very challenging security situation.

(Signed) **BAN** Ki-moon

10-22172 (E) 270110

Please recycle